

IN THE UNITED STATES DISTRICT COURT DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS AMERICAN DISTRICT OF TEXAS
AMARILLO DIVISION

FILED

JAN 17 2008

CLERK, U.S. DISTRICT COURT
By _____ Deputy

YOVANI CRUZ PONCE, PRO SE,
SPN 11235,
Booking No. 2007040250,
I.C.E. A72838482,
Previous TDCJ-CID No. 1106649,

Plaintiff,

v.

2:07-CV-0155

DEAN NAYLOR,

Defendant.

ORDER GRANTING MOTION TO DISMISS AND ORDER OF DISMISSAL

Plaintiff YOVANI CRUZ PONCE, acting *pro se*, submitted a letter/motion to dismiss which was filed in the instant cause on December 21, 2007. On December 26, 2007, the Magistrate Judge issued a Report and Recommendation that the instant cause be dismissed without prejudice pursuant to Rule 41(a)(1), Federal Rules of Civil Procedures.

The response period has expired and no objections have been filed to the December 26, 2007 Report and Recommendation.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

Plaintiff's motion to dismiss is GRANTED.

IT IS HEREBY ORDERED:

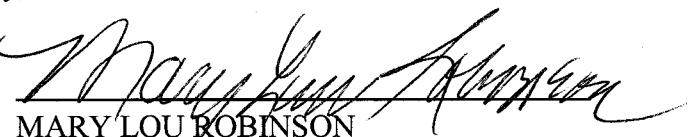
The Civil Rights Complaint filed by plaintiff YOVANI CRUZ PONCE is DISMISSED
WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by
first class mail.

IT IS SO ORDERED.

ENTERED this 17th day of January, 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE